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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,694	04/04/2001	Behnam Azvine	36-1449	5931
23117	7590	03/21/2007	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			BULLOCK JR, LEWIS ALEXANDER	
		ART UNIT	PAPER NUMBER	
		2195		
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/21/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/806,694	AZVINE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Lewis A. Bullock, Jr.	2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

.1)  Responsive to communication(s) filed on 15 December 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-10,12 and 16-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,6,9 and 16-20 is/are rejected.

7)  Claim(s) 2-5,7,8,10 and 12 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date .  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claims 16 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The cited claims detail a method embodied as a computer program or digital carrier for causing the performance of the method of claim 17. The cited claims are improper because they don't define what the subject matter of the invention is. It appears that the claims should be independent claims having all the limitations of claim 17 and Applicant is requested to amend the claims as such.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6, 9 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by BISDIKIAN (U.S. Patent 5,974,406).

As to claim 20, BISDIKIAN teaches a method of controlling a computer information system interface with a human user so as to control the user's communication load, the method comprising: accepting a user's input request (client

request) to the computer information system for information to be returned to that user (via the Resource Searching and Matching Server) (col. 5, lines 1-12); and automatically scheduling delivery of the requested information to the user at a time that avoids interfering activities as identified in a schedule of activities for the user that is maintained by the computer information system (via when a match is found sending the request to the Notification system which consults the Personal Notification Choices Database / personal scheduling choices / calendar schedules for the user to notify the user of the requested information in accordance with the stored user notification profile which comprises a means and time of notification) (col. 6, lines 15-42; col. 5, lines 15-53).

As to claim 1, BISDIKIAN teaches an apparatus comprising: receiving means for receiving at least one input from a human user, representative of at least one task of a first type to be performed by the information management system and for receiving information resulting from the performance of said at least one task of the first type from the information management system (via the Resource Searching and Matching Server receiving client request and generating results to send to the Notification system) (col. 5, lines 1-12); generating means for generating a task of a second type for communicating the received information to the human user (via the Notification system acquiring the user notification profile which comprise a means and time of notification thereby generating a second task) (col. 6, lines 15-42; col. 5, lines 15-53; col. 3, lines 34-46); scheduling means for receiving a user workload input representative of user

workload identifying the human user's current and future activities (via the notification system receiving the Personal Notification Choices Database / personal scheduling choices / calendar schedules for the user to notify the user at that time and manner); and scheduling an execution time for the at least one task of a second type for communicating the received information to the human user so as to avoid the user's current and future activities identified by the user workload input (via when a match is found sending the request to the Notification system which consults the Personal Notification Choices Database / personal scheduling choices / calendar schedules for the user to notify the user of the requested information in accordance with the stored user notification profile which comprises a means and time of notification) (col. 6, lines 15-42; col. 5, lines 15-53).

As to claims 16, 17 and 19, reference is made to a method that corresponds to the apparatus of claim 1 and is therefore met by the rejection of claims 1 above.

As to claim 6, BISDIKIAN teaches means for storing human user preference information, which user preference information includes preferred actions of the human user relating to task information (via retrieving the previously entered personal scheduling choices, e.g. their calendar schedules, stored in the Personal Scheduling Choices Database which is used to notify the user by a specified means at a specified time) (col. 5, lines 37-53).

As to claim 9, BISDIKIAN teaches the information management systems include at least one of a email assistant or a telephone assistant (via the Notification system contacting the user via email or telephone) (col. 5, lines 54-65).

As to claim 18, BISDIKIAN teaches the step of enabling the information management systems to perform the task of a second type at the scheduled execution time (via notifying the user at the time of notification) (col. 6, lines 15-42; col. 5, lines 15-53).

***Allowable Subject Matter***

4. Claims 2-5, 7, 8, 10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-10, 12, and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571)

272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 16, 2007



LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER